

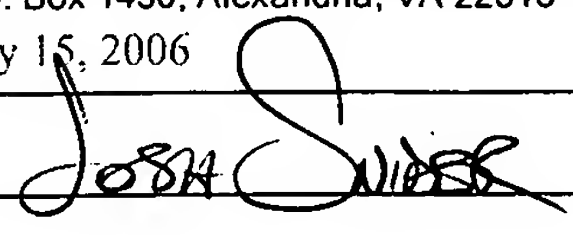
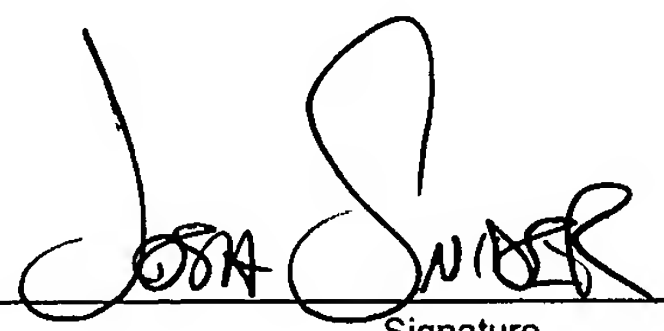
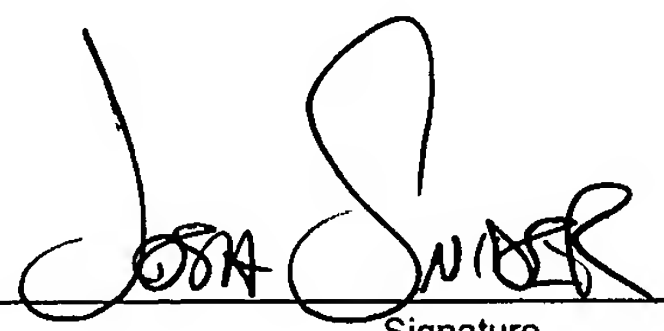
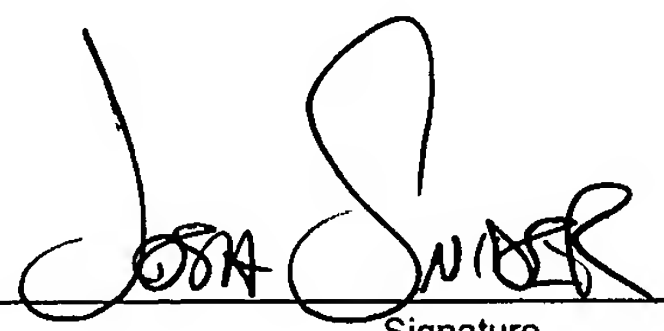
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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1117.68338															
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>May 15, 2006</u> Signature <u></u> Typed or printed name <u>Josh C. Snider</u>	Application Number 10/665,280	Filed September 18, 2003															
	First Named Inventor Arihiro Takeda																
	Art Unit 2871	Examiner Duong, Thoi V.															
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table><tr><td><input type="checkbox"/></td><td>applicant/inventor.</td><td rowspan="2"><u></u> Signature</td></tr><tr><td><input type="checkbox"/></td><td>assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td></tr><tr><td><input checked="" type="checkbox"/></td><td>attorney or agent of record.      47,954 Registration number _____</td><td><u>Josh C. Snider</u> Typed or printed name</td></tr><tr><td></td><td></td><td><u>(312) 360-0080</u> Telephone number</td></tr><tr><td><input type="checkbox"/></td><td>attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td><u>May 15, 2006</u> Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>				<input type="checkbox"/>	applicant/inventor.	<u></u> Signature	<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<input checked="" type="checkbox"/>	attorney or agent of record.      47,954 Registration number _____	<u>Josh C. Snider</u> Typed or printed name			<u>(312) 360-0080</u> Telephone number	<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	<u>May 15, 2006</u> Date
<input type="checkbox"/>	applicant/inventor.	<u></u> Signature															
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		<u>(312) 360-0080</u> Telephone number															
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	<u>May 15, 2006</u> Date															

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Application of: )  
)  
Applicant(s): Takahiro Sasaki )  
)  
Serial No.: 10/665,224 )  
)  
Conf. No.: 6265 )  
)  
Filed: September 18, 2003 )  
)  
For: LIQUID CRYSTAL DISPLAY )  
DEVICE AND LIQUID )  
ORIENTATION METHOD )  
)  
Art Unit: 2871 )  
)  
Examiner: Duong, Thoi V. )

*I hereby certify that this paper is being deposited with the United States Postal Service as FIRST-CLASS mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.*

May 15, 2006

Date

Attorney for Applicant(s)

Registration No. 47,954

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Further to the Notice of Appeal, filed concurrently herewith, Applicants respectfully request a Pre-Appeal Brief Conference and Review of the outstanding rejections in the present case. Applicants' reasons for the Request are as follows:

## REMARKS

Applicants respectfully request a review and reversal of the Examiner's outstanding Section 102 rejection of claims 22-23, 26, and 34-35 based on the Song reference (U.S. 6,710,837). A *prima facie* case of anticipation has not been established, and the rejection itself is based on clear errors.

Applicants have previously provided meritorious arguments that the cited Song reference fails to show any element equivalent to the first orientation control element of the present invention. Contrary to the Examiner's assertions, independent claim 22 of the present invention does define the first orientation control element specifically enough to indicate that it is provided on both of the first and second opposing substrates. The Examiner asserts that either or both together of Song's protrusion 170 and linear aperture 270 are equivalent to the first orientation control element of the present invention. This interpretation, however, is entirely unreasonable upon consideration of the entire Song reference, and upon consideration of claim 22 in light of the present Specification.

Neither of Song's protrusion 170 or aperture 270 could by itself be reasonably interpreted to be equivalent to the first orientation control element of the present invention because neither the protrusion nor the aperture is ever taught (or even suggested) to be provided on both substrates. In every embodiment shown by Song, the protrusion 170 is on one substrate only, and the aperture 270 is only on the opposite substrate.

The Examiner, however, appears to also be asserting that Song's protrusion 170 and aperture 270 can *together* somehow be equivalent to the single first orientation control element of the present invention. This interpretation is also entirely unreasonable. Song clearly illustrates in every embodiment shown that the protrusion 170 is always a protrusion, and that the aperture 270 is always a linear slit. Song never once teaches (or suggests) that the protrusion and the aperture are equivalents, and that the two elements are in any way interchangeable. Although Song's two elements 170, 270 are shown together, Song never teaches (or suggests) that they are the same element. The expanded perspective views shown in Figs. 8A-B of Song further illustrate that the elements 170, 270 do not even have the same shapes.

The rejection is further deficient when considering the present claims in light of the Specification. The Examiner has not indicated any portion or the Specification that justifies his interpretation that the single first orientation control element of the present invention is a different element on one substrate than it is on the other. The interpretation is further unreasonable when considered in the context of the claims themselves. The claims clearly recite both a first and second orientation control element, which have different features and limitations. The Examiner, however, has not actually cited elements from Song that are analogous to only a first and second orientation control element, but instead to a first, second, *and third* orientation control element. Applicants concede that the present claims do not *preclude* a third orientation control element, but this fact alone does not justify the Examiner's assertions that both of these different elements *together* are equivalent to the single orientation control element

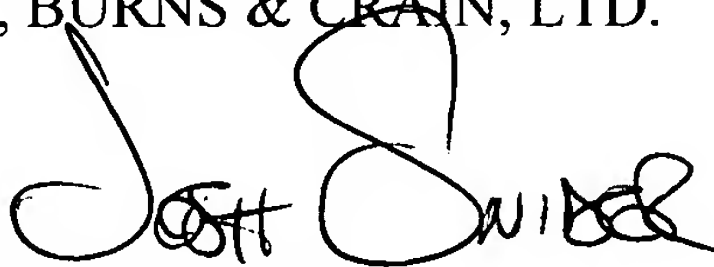
of the present invention. Again, neither of Song's elements are provided on both substrates, and there is no teaching (or suggestion) from Song to indicate that the two elements are equivalents, interchangeable, or otherwise the same. Because the present claims recite that the same element is provided on both substrates, a *prima facie* case of anticipation against the present claims has not been established.

For all of the foregoing reasons, Applicants respectfully request that the Review Panel reverse the Examiner's rejection of claims 22-23, 26, and 34-35 based on the Song reference.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By

A handwritten signature in black ink, appearing to read "Josh C. Snider". The signature is stylized with a large "J" and "S".

Josh C. Snider

Registration No. 47,954

**Customer No. 24978**

May 15, 2006

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